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8 **IN THE UNITED STATES DISTRICT COURT**  
9 **FOR THE NORTHERN DISTRICT OF CALIFORNIA**  
10

11 UNITED STATES OF AMERICA,  
12  
13 Plaintiff,  
14 v.  
15 ADRIAN ANGEL LOPEZ,  
16 Defendant.

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) No. CR 10 - 0236 EJD  
)  
) STIPULATION RE CONTINUANCE  
) OF STATUS DATE; ~~PROPOSED~~  
) ORDER  
)  
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)

17 It is hereby stipulated between the defendant Adrian Angel Lopez, by and through his attorney  
18 of record Vicki H. Young, and the government, through Assistant United States Attorney Timothy J.  
19 Lucey that the status date of May 6, 2013, at 9:00 a.m. be continued to June 3, 2013, at 1:30 p.m.

20 The reasons for this continuance is that discovery issues have arisen that need to be resolved  
21 before the settlement conference, previously ordered by the Court, can feasibly occur. Specifically,  
22 defense counsel has submitted additional discovery requests to the government. The Government is  
23 in the process of evaluating these requests, which include consulting with counsel for investigative  
24 agencies, in order to determine whether any further production is warranted and the timing of any  
25 such production to the defense.  
26

STIPULATION RE CONTINUANCE;  
[PROPOSED] ORDER

1 Under Title 18 U.S. C. §3161(h)(7)(B)(iv), the continuance is necessary to allow the attorneys  
2 for the government and the defense the reasonable time necessary for effective preparation taking  
3 into the account the exercise of due diligence.

4 In addition, the time for this status conference was advanced on May 6, 2013, from 1:30 p.m.  
5 to 9:00 a.m., such that the attendance of counsel for the United States is uncertain and may require  
6 another attorney for the Government to appear in his stead.

7 Accordingly, given the time needed by counsel to work through these discovery issues, and  
8 thereafter prepare and participate in the contemplated settlement conference, and the need for  
9 continuity of counsel, a reasonable continuance is necessary from May 6, 2013, until June 3, 2013, is  
10 necessary and appropriate, and time should therefore be excluded from May 6, 2013, up and  
11 including June 3, 2013.

12 **IT IS SO STIPULATED.**

13 Dated: May 2, 2013

Respectfully submitted,

14  
15 /s/ Vicki H. Young  
16 VICKI H. YOUNG, ESQ.  
17 Attorney for Adrian Angel Lopez

18  
19 Dated: May 2, 2013

MELINDA HAAG  
United States Attorney

20  
21 /s/ Timothy J. Lucey  
22 TIMOTHY J. LUCEY  
23 Assistant United States Attorney

1 **~~PROPOSED~~ ORDER**

2 GOOD CAUSE BEING SHOWN, the status date appearance set for May 6, 2013, is continued  
3 to June 3, 2013, at 1:30 p.m. This Court finds that the period from May 6, 2013, through and  
4 including June 3, 2013, is excludable time under the Speedy Trial Act, 18 U.S.C. §3161(h)(7).

5 The basis for such exclusion is that additional time is needed for parties to complete certain  
6 discovery issues, including for the Government to evaluate recent discovery requests made by the  
7 defense as well as time for the defense to evaluate the Government's response to such requests,  
8 including additional production in response to such requests, as well as the need for continuity of  
9 counsel.

10 Therefore the ends of justice served by such a continuance outweigh the best interest of the  
11 public and the defendants in a Speedy Trial within the meaning of Title 18 U.S.C §3161(h)(7).

12 As required by 18 U.S.C §3161 (h)(7), this Court finds that the reason that the ends of justice  
13 outweigh the best interest of the public and the defendant in a speedy trial are the denial of the  
14 continuance would unreasonably deny both the attorney for the government and the attorney for the  
15 defendant reasonable time necessary for effective preparation, taking into account the exercise of  
16 due diligence. 18 U.S.C. §3161(h)(7).

17  
18 **DATED:** 5/2/2013

19   
20 **HONORABLE EDWARD J. DAVILA**  
21 **UNITED STATES DISTRICT JUDGE**